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Attorney for Plaintiff Marian Kay Jones

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIAN KAY JONES,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,
Defendant.

Case No.: 2:22-CV-02291-WBS-DB

STIPULATION AND ORDER APPROVING
SETTLEMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT,
28 U.S.C. §2412(d)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded TWELVE THOUSAND DOLLARS (\$12,000.00) in attorney fees and ONE HUNDRED ELEVEN DOLLARS AND NINETY-THREE CENTS (\$111.93) in expenses under the Equal Access to Justice Act ("EAJA"). These amounts represent compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action in accordance with 28 U.S.C. §2412(d).

After the Court issues an order awarding EAJA fees and expenses to Plaintiff, the Government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order awarding EAJA fees and expenses is entered, the Government will determine whether the fees

are subject to any offset. If the Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government shall cause the payment of fees and expenses to be made directly to Barbara Marie Rizzo, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees pursuant to the Social Security Act, 42 U.S.C. §406(b), subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: October 2, 2023

"/s/Barbara Marie Rizzo"
BARBARA MARIE RIZZO
Attorney for Plaintiff

Dated: October 2, 2023

"/s/Edmund Darcher"
EDMUND DARCHER
(As authorized via e-mail)
Special Assistant United States Attorney
Attorney for Defendant
Kilolo Kijakazi, Acting Commissioner
of Social Security

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIAN KAY JONES,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social
Security,

Defendant.

Case No.: 2:22-CV-02291-WSB-DB

ORDER GRANTING
PARTIES' STIPULATION FOR
ATTORNEY FEES AND EXPENSES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. §2412(d)

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of TWELVE THOUSAND DOLLARS (\$12,000.00) and expenses and in the amount of ONE HUNDRED ELEVEN DOLLARS AND NINETY-THREE CENTS (\$111.93), as authorized by 28 U.S.C. §2412(d), subject to the terms of the above referenced Stipulation. If the Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government shall cause the payment of fees and expenses to be made directly to Barbara Marie Rizzo, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

IT IS SO ORDERED.

Dated: October 3, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE